

Cablefax Daily™

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What the Industry Reads First

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Closed Captioning: FCC Seeks Input on Responsibility

Back in Feb, the **FCC** adopted rules governing closed captioning to improve the accessibility of TV programming for the deaf and hard of hearing. As an initial step, the agency placed responsibility for compliance on video programming distributors (VPDs). Because closed captioning usually occurs in the production stage, the **NCTA** argued in its filing that “the creation and delivery of good quality captions is not solely within the control of any one entity and often requires coordination and execution among many connected parties in the video delivery chain.” So now the FCC has issued a further NPRM that contemplates extending some compliance responsibilities (related to provision and quality of closed captioning) beyond VPDs to others involved in production and delivery. **ACA** has argued that imposing compliance liability on the video programmer when it’s the source of the problem is “preferable from a policy perspective.” It noted that the FCC’s IP Closed Captioning Order (approved in July) found that video programmers and owners should cover quality compliance while VPDs should be responsible for passing through captioning intact. In addition, several parties have proposed requiring video programmers to file contact information for inclusion in a registry or separate database, and the FCC wants to know the costs and benefits of doing so. The agency also wants to know whether it should change its rules regarding closed captioning certifications. The rules now allow VPDs to reply on certifications from “programming suppliers” to demonstrate compliance. And programming suppliers include content producers, owners, networks, syndicators and other distributors: “Should the Commission amend the rule to replace the term ‘programming supplier’ with the term ‘video programmer?,” asked the agency, which noted that unlike the term “programming supplier,” “video programmer” doesn’t include VPDs. Rather, it’s defined as “any entity that provides video programming that is intended for distribution to residential households including, but not limited to, broadcast or non-broadcast television networks and the owners of such programming.”

Court Fight: The **FCC** has plenty of options to deny 3rd parties to access programming contract information as part of its review of the proposed **Comcast-Time Warner Cable** and **AT&T-DirectTV** mergers, several

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programmers said in their opening briefs filed at the DC Circuit. The filing followed the court's decision to stay the FCC's decision to allow 3rd parties to access programming contracts as part of the merger review. Programmers, including **CBS, Disney, Time Warner, 21st Century Fox** and **Viacom**, worried that disclosing contract information might hurt them in future negotiations with 3rd parties. The Commission could instead release redacted data, the programmers said. The agency also hasn't provided enough evidence to show why disclosing the information is necessary. The FCC has said "only a very restricted category of persons" will be allowed to look at the information—and it wouldn't include anyone engaged in "competitive decision-making." Outsiders' input on the deals "will be critical to the agency's review of the pending mergers." It also argued that the programmers offer no factual basis to conclude that violations will inevitably occur.

NBCU Expands TVE: **NBCU** continued to expand its TVE lineup, adding **Bravo Now** and **Telemundo Now** on **Microsoft's Xbox One**, enabling subs to access programming upon authentication. Xbox One's platform already features **USA Now** and **Syfy Now**.

Sunlight Foundation: Anti-net neutrality comments dominated the latest round of the **FCC's** comment period, said the **Sunlight Foundation**, a nonprofit that seeks to increase government transparency. Sunlight attributed this shift almost entirely to the form-letter initiatives of a single organization, **American Commitment**, whose campaign accounted for 56.5% of the 2nd round comments. Sunlight also noted that some 75% of pro-net neutrality comments in the 1st round that ended in July stemmed from a similar form letter campaign by net neutrality advocates and consumer groups. In any event, Sunlight questioned the FCC's count of total comments (3.9mln), saying it counted 1mln fewer comments in the 2nd round alone. "As was true in round one, we fail to see how the FCC arrived at the count that was widely publicized," the group said, adding however that it's difficult to know what the actual count is, given the different comment formats. The agency started to accept email comments following several outages of its legacy comment system.

Adobe Video Report: **Amazon's Kindle Fire** and **Samsung Galaxy** are much more likely to be used to watch videos than other mobile devices, with 85% and 83% of all visits to media sites respectively resulting in a video view, according to **Adobe's 3Q 2014 US Digital Video Benchmark Report**. The analysis is based on 177bln total online video starts captured by Adobe Analytics. Meanwhile, iOS devices were responsible for 56% of all online TV viewing in 3Q, up 9% YOY. Some 46% of online TV content viewing within the broadcast and cable genre occurs through a browser. The TV industry's multiplatform effort seems to be paying off: TVE video growth continued through 3Q, up 108% YOY and 38% over the previous quarter. Mobile devices accounted for 29% of all TVE video starts.

Ratings: **HBO's "The Newsroom"** finished its 3rd and final season on Sun with a season high 1.6mln viewers at 9pm and a nightly season high with 1.9mln viewers across all 3 telecasts. The season averaged a gross audience of 5mln viewers per ep. -- **MLB Net's** Winter Meetings coverage from Dec 8-11 drew 127K average viewers in primetime, up 38% than the primetime average in 2013. -- **Syfy's** limited event series "Ascension" took in 1.8mln viewers during its 1st night of premiere Mon night. Socially, the series scored the net's highest number of tweets for a scripted series premiere behind only the 2013 season 1 debut of "Defiance." -- **Hallmark Channel's** Count Down to Christmas, featuring 12 new movies of Christmas, scored 3.8mln viewers over its nearly 2-month run. The final 2 original holiday films, "Best Christmas Party Ever" on Dec 13 and "The Christmas Parade" on Dec 14, bagged 3.4mln and 3.5mln viewers, respectively.

Programming: **History** premieres season 3 of its scripted drama series "Vikings" on Feb 19. -- **HGTV** debuts its new furniture competition series "Ellen's Design Challenge" starring *Ellen DeGeneres* on Jan 26. The 6-ep series, DeGeneres' 1st on cable, will feature 6 competitors, with the winner receiving \$100K. -- **Spike TV** inked a 6th season of original tattoo-competition series "Ink Master" (S6 premiere, summer) in which mentors square off against their apprentices. -- **BBC America** debuts new restaurant series "Million Dollar Critic" on Jan 22. -- **Starz** booked a sequel to its original series "The Missing." The 8-part installment will follow a new case, new characters and a new location. The finale of the 1st installment will air on Jan 10 and can be accessed through VOD and on Starz Play starting Sat. -- **A+E Network** debuts nonfiction series

BUSINESS & FINANCE

“Nightwatch” on Jan 22. The hour-long series follows emergency responders as they work “the busiest and most unnerving shift of the day.”

People: Viacom International Media Nets tapped *Larissa Zagustin* as svp and general counsel for the company's brands and businesses in Latin America, Canada and the US Hispanic market. She will report to *Scott McBride*, evp & COO of VIMN Americas and *Roger James*, general counsel for VIMN. Zagustin joined VIMN in 2003, as corporate counsel for **MTV Networks Latin America**. -- **BET** tapped *Stephen Hill* to head its programming division. A more than 15-year BET veteran, Hill most recently served as pres of music programming and specials.

Editor's Note: Don't wait until the last minute to enter **Cablefax's** Digital Awards, the industry's top honor in the digital space recognizing outstanding websites and digital initiatives among cable programmers, operators, and industry partners. Whether you work on web design, mobile apps, digital marketing or a number of other pursuits, the Digital Awards has a category that fits. Not only that, but the Digital Awards is your opportunity to nominate worthy execs for the Digital Hot List, a run-down of power players in the digital space. The final deadline is Fri! For more info, go to www.cablefax.com.

CableFAX Daily Stockwatch

Company	12/16 Close	1-Day Ch	Company	12/16 Close	1-Day Ch
BROADCASTERS/DBS/MMDS					
DIRECTV:	82.56	(0.89)	CONVERGYS:	19.69	(0.12)
DISH:	68.48	(1.56)	CSG SYSTEMS:	24.45	(0.1)
ENTRAVISION:	7.12	(0.01)	ECHOSTAR:	49.12	(0.61)
GRAY TELEVISION:	10.35	0.06	GOOGLE:	495.39	(18.41)
MEDIA GENERAL:	16.94	1.42	HARMONIC:	6.55	UNCH
NEXSTAR:	50.19	(0.79)	INTEL:	35.56	(0.36)
SINCLAIR:	25.51	0.66	INTERACTIVE CORP:	60.07	(1.2)
MSOS			JDSU:	13.53	(0.13)
CABLEVISION:	19.36	(0.18)	LEVEL 3:	47.39	(0.01)
CHARTER:	160.59	(0.42)	MICROSOFT:	45.16	(1.51)
COMCAST:	54.81	(0.13)	NETFLIX:	316.44	(10.6)
COMCAST SPCL:	54.53	(0.18)	NIELSEN:	43.49	0.08
GCI:	12.62	0.13	RENTRAK:	69.72	(1.27)
GRAHAM HOLDING:	887.80	(6.33)	SEACHANGE:	6.35	0.11
LIBERTY BROADBAND:	47.75	(0.52)	SONY:	19.72	UNCH
LIBERTY GLOBAL:	47.59	(0.69)	SPRINT NEXTEL:	3.81	(0.24)
SHAW COMM:	26.48	0.22	TIVO:	11.72	(0.21)
TIME WARNER CABLE:	143.10	(0.98)	UNIVERSAL ELEC:	60.35	(0.69)
PROGRAMMING			VONAGE:	3.36	0.03
21ST CENTURY FOX:	36.21	(0.29)	YAHOO:	48.85	(0.97)
AMC NETWORKS:	59.15	0.12	TELCOS		
CBS:	52.11	(0.79)	AT&T:	32.14	(0.11)
CROWN:	3.49	(0.02)	CENTURYLINK:	37.89	0.11
DISCOVERY:	33.19	0.32	TDS:	23.15	0.20
DISNEY:	90.17	(0.73)	VERIZON:	45.53	0.11
GRUPO TELEvisa:	31.88	(0.12)	MARKET INDICES		
HSN:	74.04	(0.58)	DOW:	17068.87	(111.97)
LIONSGATE:	30.81	(0.18)	NASDAQ:	4547.83	(57.32)
MSG:	70.81	(0.82)	S&P 500:	1972.74	(16.89)
SCRIPPS INT:	76.25	0.38			
STARZ:	27.85	(0.64)			
TIME WARNER:	80.56	(1.01)			
VIACOM:	72.42	(0.89)			
WWE:	10.89	0.06			
TECHNOLOGY					
ADDVANTAGE:	2.54	UNCH			
AMDOCS:	45.78	(0.12)			
AMPHENOL:	51.63	(0.27)			
AOL:	42.30	(0.35)			
APPLE:	106.75	(1.48)			
ARRIS GROUP:	27.40	0.06			
AVID TECH:	13.59	(0.51)			
BLNDER TONGUE:	2.36	0.02			
BROADCOM:	41.61	(0.68)			
CISCO:	26.59	(0.1)			
COMMScope:	25.58	0.16			
CONCURRENT:	6.76	(0.08)			

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